

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARLA MCCARTHY,

Plaintiff,

File No: 1:05-CV-409

v.

HON. ROBERT HOLMES BELL

FIRST AMERICAN TITLE
INSURANCE COMPANY,

Defendant.

_____ /

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

NOW THEREFORE, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Defendant's motion for summary judgment be **GRANTED IN PART AND DENIED IN PART**. The motion is **GRANTED** and **JUDGMENT** is entered in Defendant's favor on Plaintiff's Equal Protection Clause claim.

IT IS FURTHER ORDERED that Defendant's motion is **GRANTED** on Plaintiff's Title VII claims only to the extent that Defendant seeks dismissal without prejudice of

Plaintiff's Title VII claims for lack of the administrative exhaustion and the absence of the necessary right-to-sue letter.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment on the merits of Plaintiff's Title VII claims is **DENIED WITHOUT PREJUDICE**.

Dated: May 1, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE